<u>REMARKS</u>

The examiner rejected claims 1-115 under 35 U.S.C. §102(e) as anticipated by Parker U.S. Publication No. 2003/0207245 A1. By way of example, with respect to claim 1, the examiner stated:

> Parker discloses the claimed limitations of "receive information for inclusion in the hierarchical database"; "search information contained in the hierarchical database at multiple levels in the hierarchical database"; retrieve information contained in the hierarchical database identified as a result of a search" by allowing a TA to search for a thread of information throughout a course, in response the system would identify the modules associated with the TA's search term (See Parker Page 5, Section 0068). Last, Parker discloses the claimed limitations of "build content from information received for inclusion in hierarchical database and from information retrieved from the hierarchical database" by allowing a TA to reorder modules retrieve and query submitted from a search into a customized course (See Parker Abstract; Page 1, Section 0009; Page 5-6, Section 0068).

Parker discloses a method and system for on-line learning by providing modularized courses. Page 1, Section 003. "[E]ach course comprises a set of related classes and each class comprises a set of related modules. <u>A module represents the smallest teaching unit</u>." Page 2, Section 0028 (emphasis added); <u>see</u> Fig. 6; page 4, Sections 0054 and 0056; Page 3, Sections 0038-0040. The method and system of Parker provides for searching of modules and manipulation of modules to create customized courses. Page 5, Section 0065.

Importantly, however, Parker clearly states that the searching and manipulation of information contained in the on-line learning method system is done at the module level:

> Alternate embodiments of the present invention provide users, professors and teacher with an interface by which they can <u>search modules</u> by topic or subject matter. The system of such embodiments <u>identifies modules</u> related to the topic or subject matter being searched. Having identified the modules, the users,

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professors and teachers can select some or all of the identified modules and <u>rearrange such modules</u> into a new course.

Abstract (emphasis added).

[U]sers, professors and teachers are provided an interface by which they can <u>search modules</u> by topic or subject matter. The system of such embodiment <u>identifies modules</u> related to the topic or subject matter being searched. Having the identified modules, the users, professors and teachers can select some or all of the identified modules and <u>rearrange such modules</u> into a new course.

Page 1, Section 0009 (emphasis added).

The course map of FIG. 6 …includes a graphical indication of each module comprising each class in a course. …[T]he course map is preferably presented to the users as a portion of an overall user interface through which the users, professors and TAs can <u>search modules</u> and <u>rearrange modules</u> into customized courses.

* * *

More specifically, the course map is preferably combined in an interface including a text box for accepting search terms from the user, professor or TA. A <u>search engine</u> software component residing on the application server 108 receives a search term or terms entered by the user, professor or TA and <u>searches the keyword field in the module table 314, as well as the transcripts associated with each module</u>. Once the search engine <u>identifies the modules</u> having key-words and/or transcripts including the search terms, the application server 108 causes the graphical depiction of those modules in the course map to be highlighted.

* * *

[T]he combination of these features allows users, professors and TAs to effectively <u>search modules</u> and the subject matter contained therein.

Page 5, Sections 0065-0067 (emphasis added).

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Indeed, even when referring to a "search for a particular thread of information throughout a course", Parker refers to searching and manipulation of information at the module level:

> [T]he course map may be utilized as a tool for creating customized courses. For example, a TA may <u>search for a particular thread of information throughout a course</u>. For example, in the existing course "Understanding Mass Media," a TA may wish to focus on the correlation between the use of mass media and the economy. In such an instance the TA may <u>search</u> for the term "economy" and related terms, thereby <u>identifying related modules</u>. In response, the system would identify those modules having the term "economy" in either the module description or associated transcript. The TA may then select and <u>reorder those modules</u> into a customized course.

Page 5, Section 0068 (emphasis added); <u>see</u> page 5, Section 0067.

In rejecting claim 2, the examiner pointed to Parker's statement that "each course is characterized by topic...By associating each course with one or more categories of topics, the system 104 is able to efficiently search courses based on user input" (Page 2, Section 0033) as a disclosure of searchability at multiple levels in a hierarchical database. However, as made clear by the teachings of Parker set forth above, the course searching is done at the module level (i.e. "smallest teaching unit", Page 2, Section 0028). There is no disclosure in Parker of a method and system to search or manipulate information at anything other than the module level.

Finally, while Parker discloses searching of "transcripts", Page 3, Section 0040; Page 5, Section 0066, in those instances where transcripts are searched, the transcripts are the modules. "Lecture modules" in the parlance of Parker, Page 2, Section 0028; Page 4, Section 0055 and 0058, may include a transcript of the lecture, Page 3, Section 0040. Parker equates modules with "individual discrete portions of an overall lecture." Page 4, Section 0054.

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The pending claims recite searchability and manipulation of information contained in the method and system at multiple levels in a hierarchical database. Pending claim 1 recites a server computer adapted to "search for information contained in the hierarchical database at <u>multiple levels</u> in the hierarchical database; retrieve information contained in the hierarchical database identified as a result of the search; and build content…from information retrieved from the hierarchical database." Emphasis added. The import of this requirement is made even clearer by the dependent claims. Claim 2 refers to "objects, which represent units of information contained in the hierarchical database, and at least one larger unit of information, which represents a grouping of objects." Claims 7-11 refer to searchability of the hierarchical database at the object level and at the larger unit of information (<u>e.g.</u> concept, topic, course or series, <u>i.e.</u> "a grouping of objects") level. Claims 13-17 refer to building content from the information retrieved from the object level and from the larger unit of information (<u>e.g.</u> concept, topic, course or series, <u>i.e.</u> "a grouping of objects") level. Claim 24, claim 25, claims 30-34 and claims 36-40 have analogous limitations to claim 1, claim 2, claims 7-11 and claims 13-17, respectively. Claim 47, claim 48, claims 53-57 and claims 59-63 also have analogous limitations to claims 1, claim 2, claims 7-11 and claims 13-17, respectively. Claim 70, claim 71, claims 76-80 and claims 82-86 also have analogous limitations to claim 1, claim 2, claims 7-11 and claims 13-17, respectively. Claim 93, claim 94, claims 99-103 and claims 106-109 also have analogous limitations to claim 1, claim 2, claims 7-11 and claims 13-17, respectively. The remaining pending claims depend from the claims set forth above.

Those claim limitations, which require searchability and manipulation (<u>i.e.</u> building content) of information at "multiple levels in [a] hierarchical database" and more specifically at

an "object" level and "a group of objects" (e.g. concept, topic, course or series) level, are not

disclosed in Parker, which requires searching and manipulation of information at the module

("smallest teaching unit") level.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections have been

overcome and claims 1-115 currently pending are patentable and in condition for allowance.

Reconsideration of the rejections and allowance of the claims are therefore respectfully

requested.

If the examiner believes that any of the pending claims present any issues which could be

resolved by a telephone interview, the examiner is respectfully urged to telephone the

undersigned's direct line at (212) 415-8723. Alternatively, the undersigned may be contacted by

e-mail at mjabate@morganfinnegan.com.

The Commissioner is hereby authorized to charge any additional fees which may be

required for consideration of this Amendment to Deposit Account No. 13-4500, Order No.

3951-4002. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

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       In the event that an extension of time is required, or which may be required in addition to

that requested in a petition for an extension of time, the Commissioner is further requested to

grant a petition for that extension of time which is required to make this response timely and is

hereby authorized to charge any fee for such an extension of time or credit any overpayment for

an extension of time to the above Deposit Account.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: February 24, 2004   By: _____
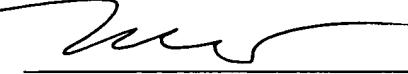
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